

The Department of State responds to the Embassy of South Africa's note dated May 22, 2006, No. 40P/06, inquiring into the possibility of entering into a bilateral consular agreement with the United States regarding the mandatory notification of the arrest of South African citizens in the United States.

Article 36 of the Vienna Convention on Consular Relations, to which both the United States and South Africa are parties, imposes an obligation on the competent authorities of each state to notify consular posts of the other whenever one of its citizens is arrested within its consular district and requests consular notification. While past concerns about timely notification led the United States and other countries to enter into bilateral agreements that provided for mandatory notification, the United States believes that the success of notification upon request under the Vienna Convention depends in part on the establishment of uniform procedures with respect to its obligations under that Convention. Because the Convention explicitly imposes the obligation to notify upon request, the United States believes that additional bilateral agreements on the subject are not necessary.

Department of State,

DEC 20 2006

MA

Washington,

DIPLOMATIC NOTE

W

Drafted: CA/OCS/PRI: WFritzlen, x 6-9115

Cleared: CA: JRuterbories ok
CA/OCS: CBarry ok
CA/OCS: BLAnderson ok
CA/OCS/PRI: EBetancourt ok
L/CA: MHBanos ok
AF/S: MCTabler-Stone ok
CA/OCS/ACS/AF: JDMarkey ok
CA/P: JALawrence ok
S/ES-CR: NLChagnon ok

mac
12-18-06



40P/06

The Embassy of the Republic of South Africa presents its compliments to the United States Department of State and has the honor to inform that the Government of the Republic of South Africa is considering entering into a consular agreement with the Government of the United States of America regarding the mandatory notification of arrest of South African citizens.

It would be highly appreciated if the United States Department of State could advise and guide the Embassy of the Republic of South Africa on the processes to be followed in this regard.

The Embassy of the Republic of South Africa avails itself of this opportunity to renew to the United State Department of State the assurances of its highest consideration.

Washington, DC
22 May 2006

